

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 15, 2000
AT 10:30 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:36 a.m. Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency at 11:14 a.m. and the Housing Authority thereafter. Mayor Golding reconvened the regular meeting at 11:26 p.m. with Council Member Wear not present and District Five vacant. The meeting was recessed by Mayor Golding at 12:09 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:08 p.m. with Council Member Wear not present and District Five vacant. Mayor Golding adjourned the meeting at 4:44 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-Excused by R-294619 (Out of town City Business)
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Vacant
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (pr/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Vacant
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Alice Gilbert of the New Creation Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Anti-Piracy Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-154) ADOPTED AS RESOLUTION R-293738

Proclaiming August 14, 2000 to be "Anti-Piracy Day" and encouraging all San Diegans to help fight software piracy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-112.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote:
Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Hua Mei Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-149 Cor. Copy) ADOPTED AS RESOLUTION R-293667

Celebrating the one-year anniversary of the birth of Hua Mei and recognizing the
efforts of the San Diego Zoological Society and all its supporters to save
endangered species from extinction;

Proclaiming August 21, 2000 to be "Hua Mei Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A270-384.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote:
Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: PRESENTED

Recognition of the Zero Based Management Review Program.

Presentation by Mayor Susan Golding and City Manager Mike Uberuaga to Linc
Ward and Non Profit Solutions for their efforts in making the Zero Based
Management Review Program a successful and nationally recognized program
which has saved the citizens of San Diego tens of millions of dollars.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A113-270.)

MOTION BY MATHIS TO PRESENT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: Woodward Residence.

Request by John and Elizabeth Ostrom for a hearing of an appeal from the decision of the Planning Commission to approve a Coastal Development Permit to demolish the existing 747 square-feet, single story, single family residence and construct a new two story, 1,860 square-feet, single family residence on the existing 2,578 square-feet lot at 321 Rosemont Street, in the La Jolla Community Plan Area.

(CDP-99-0619. La Jolla Plan Area. District-1.)

TODAY'S ACTION IS: HEARING DENIED

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on September 12, 2000 at 10:30 a.m.

SUPPORTING INFORMATION:

The 0.06 acre site is located at 321 Rosemont Street, La Jolla, California 92037 in the R-3000, Coastal (non-appealable area 2) Zone and Coastal Proposition "D" Height Restriction Zone of the La Jolla Community Plan Area. The proposed development includes the demolition of the existing 747 square-feet, single story, single family residence and the construction of a new two story, 1,860 square-feet, single family residence with a detached freestanding 155 square-feet deck on the existing 2,578 square-feet lot. City staff has reviewed the La Jolla Community Planning Association's recommended approval with the condition that a third parking place be implemented to satisfy beach impact requirements. SDMC 101.0835(D) (1) requires single

family dwellings to provide two off-street parking spaces outside or within the beach impact zone. The proposed development meets this requirement. Landscaping plans have been reviewed and meet the City's Landscaping requirements. On May 3, 2000, the Hearing Officer approved the Woodward Residence project. On May 16, 2000, John and Elizabeth Ostrom, the adjacent property owners of the residential duplex at 325/327 Rosemont Street, filed an appeal of the decision citing opposition to the proposed development based upon the development's incompatibility with the character and development style of the surrounding area, the proposed partially detached elevated rear deck area not being calculated as part of Floor Area Ratio (FAR), the closeness of the development to their adjacent residential duplex, proposed grade changes and drainage runoff, and denial of due process by the La Jolla Community Planning Association Permit Review Committee.

Planning Commission voted 7-0 to deny the appeal and approve the project; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Skorepa, Stryker, White.

Nays: None.

FILE LOCATION: PERM-99-0619 (65)

COUNCIL ACTION: (Tape location: C020-074.)

MOTION BY McCARTY TO DENY THE HEARING TO UPHOLD THE PLANNING COMMISSION DECISION. Second by Kehoe. Passed by the following vote:

Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding surpluses and the State of California Surplus document. Mr. Stillwell asked Council whether or not they had reviewed that, and identified the 68 billion dollars that could benefit the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B172-200 .)

PUBLIC COMMENT 2:

Comment by Ethel Murphy regarding the De Anza Community. Ms. Murphy read a friends statement voicing his concern over the quality of the water in Mission Bay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B202-220.)

PUBLIC COMMENT-3:

Comment by George Fujimoto regarding forming a Task Force on campaign refinancing.

Council Member Mathis clarified Mr. Fujimoto's statement by stating that Mayor Golding has requested from the Council Members their considerations for appointments to the Campaign Finance Task Force to be submitted to her office by August 22, 2000.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B220-230; B230-256.)

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Comment by Renee Neaves stating that she was standing before Council today as a mother whose little boy, Scott Neaves, was killed in 1996. Ms. Neaves stated she was making a plea to the City Council today that they order the San Diego Police Department to reopen and properly investigate the death of her son. Ms. Neaves stated the San Diego Police Department closed the case four months after her son's death without interviewing a single witness, including the primary suspect, the babysitter, Wendy Cummings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B262-304.)

PUBLIC COMMENT-5:

Comment by Phil Hart regarding Council Member Stallings financial dealing with John Moores. Mr. Hart referred to City Attorney Casey Gwinn entering an opinion that the company was in Texas and that there was no conflict of interest.

Mr. Hart asked that Assistant City Attorney Les Girard inform City Attorney Casey Gwinn that he would like a written opinion on the question of the authority, and that he will be in his office Friday morning to pick it up.

Assistant City Attorney Les Girard noted several erroneous statements that were made by the speaker, and that City Attorney Casey Gwinn did not issue an opinion regarding any conflict of interest in this matter. City Attorney Casey Gwinn made a comment to a reporter that there did not appear on the surface any conflict of interest in this matter, because there was no contract with Neon Systems, and that continues to be the case. The City Attorney's Office is deferring the investigation to the District Attorney's Office to see what the investigation reveals. Regarding legal basis for Attorney fees, the California Government Code very clearly authorizes the City Council to pay legal fees in criminal investigations and even criminal prosecutions to members of the City Council or to City Employees, and that authorization and discretion was exercised pursuant to the California Government Code.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B304-326; B327-347.)

PUBLIC COMMENT-6:

Comment by De De McClure regarding redistricting issues, and expressing that she feels it is in shambles. Ms. McClure referred to Charter, Section 5.1, and that there is less than 80 days for the Commission to be appointed.

Assistant City Attorney Les Girard stated that the presiding Judge in Superior Court received an opinion that he could not serve in the capacity of appointing. The legislation in the Charter does have fallback positions with regard to the appointment process, and that the City Clerk is undertaking those actions to determine whether the panel of three retired Justices will be able to serve.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B348-384; 394-400.)

PUBLIC COMMENT-7:

Comment by Donald Ray regarding what he feels to be a rein of terror at St. Vincent De Paul, specifically by the Security Guards on residents. Mr. Ray stated that Council Member Vargas has failed to take action.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B400-420.)

PUBLIC COMMENT-8: **REFERRED TO THE CITY MANAGER**

Comment by Al Strohlein regarding what he calls the "well named Thunderboats" in Mission Bay Park, and the closing of the park for several days.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B429-459.)

COUNCIL COMMENT:

COUNCIL COMMENT-1: **REFERRED TO PS&NS**

Comment by Council Member Vargas regarding his proposing with a memo to the Mayor, an Ordinance to regulate violent video games in the City of San Diego, and that he hopes it is an Ordinance Council can take action on. Council Member Vargas expressed that he also hopes Public Safety and Neighborhood Services could look at the Ordinance.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B468-503.)

COUNCIL COMMENT-2:

Comment by Council Member McCarty wishing to express her regret over the departure of Council Member Barbara Warden, and that Council enjoyed working with her. Council Member McCarty asked the City Attorney and the City Clerk what the process is now.

City Clerk Charles Abdelnour stated he worked late into the evening and prepared the packages that were available for the public at 9:00 a.m. this morning for applicants. City Clerk Charles Abdelnour also stated that it will be submitted for docketing and the applicants will come before Council with three minutes to make their statements. The Council, the majority of five, will select. August 25, 2000 will be the deadline to submit the documents to the Clerk's Office for verification of the signatures. 50 are required, and they must be a voter and resident of that district for 30 days at the time of the filing of the application.

Assistant City Attorney Les Girard wished to point out that there is no set time frame in which the Public Hearing will occur. It must occur within a reasonable time after the close of the application process. The Clerk will forward it on to the Mayor for consideration of docketing at the appropriate time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B504-530; B535-C010.)

COUNCIL COMMENT-3:

Comment by Assistant City Attorney Les Girard regarding the situation of high electric prices, and that random acts of violence have been occurring to SDG&E employees who are in the process of doing their job; to read the meters and to go by and repair equipment. Mr. Girard stated there has been a request from SDG&E to urge that all citizens do not take out their aggressions with regard to electric prices on the employees of SDG&E who are trying to earn a living by going about their business. On behalf of SDG&E, Assistant City Attorney Les Girard asked that Council urge their constituents to address aggressions at the appropriate people, but not the employees of SDG&E.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C010-019.)

* ITEM-100: Two actions related to the Final Subdivision Map of Torrey Hills Unit No. 10.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-240) ADOPTED AS RESOLUTION R-293668

Authorizing a Subdivision Improvement Agreement with SCH Torrey II, LLC for the installation and completion of public improvements.

Subitem-B: (R-2001-239) ADOPTED AS RESOLUTION R-293669

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 6.885 acre site into 29 lots and Lots "A", "B" and "C" for residential development. It is located at the southerly terminus of East Ocean Air Drive in the Sorrento Hills community. On March 17, 1997 the City Council of the City of San Diego approved Vesting Tentative Map No. 95-0554 per Resolution No. R-288438 for Torrey Hills. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Engineering Drawing No. 29415-1-D through 29415-5-D filed in the Office of the City Clerk under Micro No. 140.41. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$352,584 and a Performance Bond in that amount has been provided as surety. Special Permit No. 1569 has been issued for construction of water and sewer facilities. A cash bond in the amount of \$5,000 has been posted as surety for the setting of survey monuments. This subdivision is in a community plan area designated in the General Plan as Future Urbanizing. As such, special financing plans have been established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of this final map, the subdivider shall comply with the provisions of the financing plan through satisfaction of the terms of the Sorrento Hills

Development Agreement. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBITEMS A & B: SUBD-Torrey Hills Unit No. 10 (40)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101: Four actions related to the Final Subdivision Map of Torrey Pines Estates.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-242) ADOPTED AS RESOLUTION R-293670

Authorizing a Subdivision Improvement Agreement with Torrey Pines Homebuilding Company, LLC for the installation and completion of public improvements.

Subitem-B: (R-2001-241) ADOPTED AS RESOLUTION R-293671

Approving the final map.

Subitem-C: (R-2001-243) ADOPTED AS RESOLUTION R-293672

Accepting a grant deed of Torrey Pines Homebuilding Company, LLC, granting

to the City Lot "H" of Torrey Pines Estates.

Subitem-D: (R-2001-244) ADOPTED AS RESOLUTION R-293673

Authorizing a Landscape Maintenance Agreement with Torrey Pines Homebuilding Company, LLC for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 53.776 acre site into 89 lots and lots "A" through "O" for residential development. It is located southeasterly of Arroyo Sorrento Road and Arroyo Sorrento Place in the Carmel Valley Community Plan area. On September 8, 1998, City Council approved Vesting Tentative Map VTM-96-7573 by Resolution No. R-290680 and Carmel Valley Planned Development Plan and Resource Protection Ordinance Permit No. 96-7573 by Resolution No. R-290681. The City Engineer has approved the final map and states that all conditions for the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing No. 30264-1-DD through 30264-10-D, filed in the Office of the City Clerk under Micro Number 140.42. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$1,704,144 and a Performance Bond in that amount has been provided as surety. Engineering Permit No. 48601 has been issued for grading as shown on Engineering Drawing No. 30161-1-D through 30161-14-D. A bond in the amount of \$1,585,128 has been posted to assure the grading. A cash bond in the amount of \$15,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Planned Urbanizing area and is within a Public Facilities Financing Plan area. As such, there is a Facilities Benefit Assessment in place that provides for the payment of fees for public facilities at the time of building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider is entering into a bonded Landscape Maintenance Agreement agreeing to maintain all landscaping and appurtenances thereto within the City's right-of-way adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. Lot "H" is being deeded to the city at no cost as a condition of Tentative Map approval. The lot totals 28.061 acres in size.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBITEMS A, B, & D: SUBD-Torrey Pines Estates (40)
SUBITEM C: DEED F-7835

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: Approving the Final Map of Ivanhoe Court Condominiums.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-168) ADOPTED AS RESOLUTION R-293674

Approving the final map of Ivanhoe Court Condominiums.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 0.321 acre site into 1 lot for residential condominium development. It is located at Ivanhoe Avenue and Silverado Street in the La Jolla Planned District Zone 2 community.

On September 17, 1998, the Planning Commission of the City of San Diego approved Planning Commission Resolution No. R-2702-2-PC for Ivanhoe Court Condominiums (TM-98-0251). The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29917-1 D through 29917-2-D filed in the Office of the City Clerk under Micro Number 140.36. The Engineer's estimate for the cost of public improvements is \$14,066.00 and Engineering Permit No. W48033 has been issued for the public improvements. All improvements are to be completed within one year. Survey monuments are existing.

This subdivision is subject to impact fees, as established by the City Council at the time of building permit issuance. Development on any property within this map shall pay the fees as set

by City Council in effect and due at the time building permits are issued. A bond in the amount of \$14,066 has been posted to assure completion of the public improvements.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBD-Ivanhoe Court Condominiums (40)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103: Three actions related to the Final Subdivision Map of the Prospect Villas.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-223) ADOPTED AS RESOLUTION R-293675

Authorizing a Subdivision Improvement Agreement with Prospect Villa Development, LLC for the installation and completion of public improvements.

Subitem-B: (R-2001-140) ADOPTED AS RESOLUTION R-293676

Approving the final map.

Subitem-C: (R-2001-141) ADOPTED AS RESOLUTION R-293677

Authorizing a Landscape Maintenance Agreement with Prospect Villa Development, LLC to assure maintenance of landscaping.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 0.248 acre site into 1 lot for a 6 unit condominium development. This proposed development is located west of La Jolla Boulevard and north of Prospect Street in the La Jolla Planned District in the La Jolla Community Planning Area. On August 13, 1998 the Planning Commission of the City of San Diego approved Tentative Map/Coastal Development Permit No. 98-0159 Prospect Villas. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29942-1-D through 29942-7-D. Permit No. W48115 has been issued for grading and public improvements and Permit Performance Bond No. 824374S in the amount of \$49,579.55 has been issued by Developers Insurance Company to ensure the completion of the public improvements. All improvements are to be completed within two years. A cash bond in the amount of \$400, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

FISCAL IMPACT:

None.

Loveland/Haase/GH

FILE LOCATION: SUBITEMS A, B, & C: SUBD-Prospect Villas (40)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Four actions related to the Final Subdivision Map of Scripps Gateway Unit No. 5.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-246) ADOPTED AS RESOLUTION R-293678

Authorizing a Subdivision Improvement Agreement with Shea Homes Limited Partnership for the installation and completion of public improvements.

Subitem-B: (R-2001-245) ADOPTED AS RESOLUTION R-293679

Approving the final map.

Subitem-C: (R-2001-247) ADOPTED AS RESOLUTION R-293680

Authorizing a Landscape Maintenance Agreement with Shea Homes Limited Partnership for the installation and completion of public improvements.

Subitem-D: (R-2001-248) ADOPTED AS RESOLUTION R-293681

Accepting a grant deed of Shea Homes Limited Partnership granting to the City Lot "F" of Scripps Gateway Unit No. 5.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 71.757 acre site into 116 lots for residential development, plus lots "A through F". It is located south of Scripps Poway Parkway and east of Interstate 15 in the Miramar Ranch North Community. On September 29, 1998 the Council of the City of San Diego approved City Council Resolution No. R-290779 for Scripps Gateway (Vesting T.M. 92-0466). The City Engineer has approved the final map and states that all conditions of the Vesting Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29872-1D through 29872-12-D, filed in the Office of the City Clerk under Micro Number 140.37. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$2,229,153 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$29,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Lot "F" is being deeded to the City at no cost as a condition of Tentative Map approval. The lot is 37.603 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FISCAL IMPACT:

None.

Loveland/Christiansen/GRB

FILE LOCATION: SUBITEMS A, B, & C: SUBD-Scripps Gateway Unit
No. 5
SUBITEM D: DEED F-7836

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Chatsworth Boulevard (from Nimitz Boulevard to Dixon Place) Underground Utility District.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-194) ADOPTED AS RESOLUTION R-293682

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Chatsworth Boulevard (from Nimitz Boulevard to Dixon Place) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities in the Chatsworth Boulevard (from Nimitz Boulevard to Dixon Place) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$224,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001323.

FILE LOCATION: STRT-K-301 (38)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Churchward Street (from Euclid Avenue to Elk Street) Underground Utility District.

(Encanto Neighborhoods Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-190) ADOPTED AS RESOLUTION R-293683

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Churchward Street (from Euclid Avenue to Elk Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Churchward Street (from Euclid Avenue to Elk Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$700,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001324.

FILE LOCATION: STRT-K-340 (38)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: Goldfinch Street (from Sutter Street to University Avenue) Underground Utility District.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-192) ADOPTED AS RESOLUTION R-293684

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Goldfinch Street (from Sutter Street to University Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Goldfinch (from Sutter Street to University Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$1,500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$166,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001322.

FILE LOCATION: STRT-K-305 (38)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Pastor Wade McKinley Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-207) ADOPTED AS RESOLUTION R-293685

Commending Pastor Wade McKinley for his service and dedication to the City of San Diego;

Proclaiming August 19, 2000 to be "Pastor Wade McKinley Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Library of California Regional Library Network Membership.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-186) ADOPTED AS RESOLUTION R-293686

Authorizing the San Diego Public Library to join the Tierra del Sol Regional Library Network of the Library of California;

Authorizing the City Manager to sign the Tierra del Sol Regional Library Network Membership Authorization Form.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Public Library has been invited to apply for charter membership in the Tierra del Sol Regional Library Network of the Library of California. The Tierra del Sol Regional Library Network includes 500 libraries in five counties: Imperial, Inyo, Riverside, San Bernardino and San Diego. The Library of California Act specifies that there can be no dues for membership; therefore, there is no membership fee to join the regional library network. All basic services for members will be funded by the State. Members are required to share resources with other member libraries, but the Library of California will provide funding to offset the cost of the sharing.

Benefits of membership will include: 1) reduction in the cost of full-text databases and other contracts for services because of the buying power of libraries statewide, 2) possible reduction or elimination of cost for receipt of materials from major academic or resource libraries statewide, and 3) statewide funding of telecommunications infrastructure development within and between regional networks.

FISCAL IMPACT:

None.

Loveland/Tatar/CY

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Amending FY 2000 Capital Improvement Program Budget - Neighborhood Park - Comfort Station.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-160) ADOPTED AS RESOLUTION R-293687

Authorizing the City Auditor and Comptroller to add CIP-29-403.0, Lakeview Neighborhood Park - Comfort Station, to the FY 2001 Capital Improvement Program Budget for the construction of a comfort station at the Lakeview Neighborhood Park;

Authorizing the appropriation and expenditure of an amount not to exceed \$100,000 from Scripps Ranch Park Service District Fees, Fund No. 11230 for CIP-29-403.0, Lakeview Neighborhood Park - Comfort Station.

CITY MANAGER SUPPORTING INFORMATION:

The Lakeview Neighborhood Park is located in the Scripps Miramar Ranch Community. The community has requested the construction of a small comfort station due to the park's location in relation to the residents it serves. The proposed comfort station would be a pre-fabricated, modular unit which would be connected to the City sanitary sewer system. Since the requested comfort station does not meet Park and Recreation standards, in terms of size and materials, the facility will be maintained by the community through their Maintenance Assessment District fees.

FISCAL IMPACT:

Funding in the amount of \$100,000 is available in Scripps Ranch Park Service District Fees, Fund No. 11230 for this purpose.

Loveland/McLatchy/DVW

Aud. Cert. 2100089.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: Navajo Road Median Enhancement.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-174) ADOPTED AS RESOLUTION R-293688

Authorizing the City Manager to accept a total of \$102,104.90 in developer contribution required as a condition of PCD Permit No. 990075, for median improvements for a portion of the Navajo Road median located in front of the Archstone development;

Authorizing the increased appropriation and expenditure of an amount not to exceed \$102,104.90 from CIP-52-668.0 (Navajo Road Median Enhancement), Fund No. 63022 (Private and Others Contributions - CIP), for the purpose of designing and constructing median improvements for the above project.

CITY MANAGER SUPPORTING INFORMATION:

Funds were deposited on May 26, 2000 (DCR #014931) with the City as a reimbursement to satisfy a condition of PCD Permit No. 990075 for median improvements by the developer. The deposited funds are to compensate costs that the City will assume by taking responsibility for designing and constructing a portion of Navajo Road median located in front of the Archstone development. The median design and construction requirements assumed by the City are landscaping, irrigation, hardscape, and median reconfiguration of the turn pocket within the median fronting Archstone development on Navajo Road.

FISCAL IMPACT:

\$102,104.90 will be appropriated and expended from CIP-52-668.0 (Navajo Road Median Enhancement), Fund 63022.(Private and Others Contributions-CIP).

Belock/Boekamp/HR

Aud. Cert. 2100098.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: Bayshore Bikeway.

(Otay Mesa/Nestor Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-212) ADOPTED AS RESOLUTION R-293689

Authorizing the City Manager to apply for, accept, and expend a total of \$350,000 in CMAQ bikeway funds from SANDAG/Caltrans for the preliminary engineering for the Bayshore Bikeway, CIP-58-140.0;

Authorizing the appropriation and expenditure of an amount not to exceed \$350,000 from CIP-58-140.0, Fund No. 38683, for preliminary engineering for the Bayshore Bikeway.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to apply for, accept, and expend a total of \$350,000 for the preliminary engineering for the Bayshore Bikeway. The Class I bikeway is in the City of San Diego from 13th Street in the City of Imperial Beach to Main Street in the City of Chula Vista, approximately ½ mile, adjacent to the South Bay Wildlife Refuge, and connecting existing legs of the total bikeway around San Diego Bay. The funds are part of the approved CMAQ expenditure by SANDAG for this section of bikeway. A separate action will be required to request the authorization to appropriate, expend for construction.

FISCAL IMPACT:

Accepting, appropriating, and expending CMAQ funds from SANDAG to CIP-58-140.0 for 100 percent of the preliminary engineering costs.

Belock/Boekamp/FG

Aud. Cert. 2100126.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113: Payment for Outside Legal Services in the Litigation Matter of Janice Aud and Alina Cadena.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-139) ADOPTED AS RESOLUTION R-293690

A Resolution approved by the City Council in Closed Session on Tuesday, July 18, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$140,460 as the final payment for outside attorney fees and costs in Superior Court Case No. 729499, Janice Aud and Alina Cadena v. City of San Diego, et al.;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$140,460 made payable to Sheppard, Mullin, Richter and Hampton, LLP as final payment of the outside counsel retained for the litigation on this matter.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the final payment of the outside counsel retained for the litigation on this matter.

Herring/Oliva/JE

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Aud. Cert. 2100133.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114: Authorizing a First Amendment to the Bond Counsel Services Agreement with Orrick Herrington & Sutcliffe and Webster and Anderson for Ballpark Financing.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-151) ADOPTED AS RESOLUTION R-293691

Authorizing the City Manager to execute a First Amendment to the Agreement with Orrick, Herrington, & Sutcliffe and Webster and Anderson, for Bond Counsel Services;

Authorizing the expenditure of an amount not to exceed \$421,500 from Fund No. 102214, Dept. No. 102214, Org. No. 200 for providing funds for the project;

Authorizing the City Auditor and Comptroller , upon advice from the administering department, to transfer excess budgeted funds to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On November 3, 1998, the voters approved Ordinance O-18613, which directed the City Manager to execute for and on behalf of the City of San Diego that certain Memorandum of Understanding (MOU) between the City of San Diego (City), Redevelopment Agency of the City of San Diego, Centre City Development Corporation, and San Diego Padres regarding a ballpark and redevelopment project [Project]. Pursuant to the MOU, the City is responsible for funding a portion of the Project. In the event the Project is constructed, the City anticipates that it will fund its portion of the Project through the sale of bonds. Through a competitive RAP process, Orrick, Herrington & Sutcliffe and Webster & Anderson were selected as bond counsel to provide legal services pertaining to the bonds. Pursuant to the agreement, Orrick, Herrington & Sutcliffe will also provide other legal services pertaining to financing the Project.

FISCAL IMPACT:

\$421,500 is for bond counsel fees related to the project.

Frazier/Devaney/KS

Aud. Cert. 2001296.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-ineligible, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Pt. Loma Fourth Sludge Pump and Other Modifications, Metcalf & Eddy Agreement.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-208) ADOPTED AS RESOLUTION R-293692

Authorizing a sole source agreement with Metcalf and Eddy, Inc. for design services in connection with the Point Loma sludge pumping station;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$304,218 within Fund No. 41509, from CIP-46-055.0, FIRP Pump Station, to CIP-41-925.0, Fourth Sludge Pump and Other Modifications;

Authorizing the expenditure of an amount not to exceed \$454,218 from Fund No. 41509, CIP-41-925.0, Fourth Sludge Pump and Other Modifications.

CITY MANAGER SUPPORTING INFORMATION:

On December 8, 1992 the City adopted Resolution No. R-283203 to procure Metcalf & Eddy (M&E) for the design of the Sludge Pump Station (SPS) at the Point Loma Wastewater Treatment Plant (PLWTP). The SPS is the second largest of its kind in the United States and pumps biosolids 17 miles to the Metro Biosolids Center. It was put into operation in 1998. The facility contains three large pumps, five sludge screens, an odor control facility, and other

equipment. To enhance the plant's operations and provide greater reliability, MWWD is proposing the addition of a fourth pump, a sixth screen, and other modifications to the SPS. A Sole Source Procurement to hire M&E is proposed for the engineering services needed to prepare a complete design package for the fourth pump, sixth screen and other modifications. The advantages of hiring M&E for this design include: 1) M&E is the designer for the existing SPS and therefore most familiar with the existing facility and its operating parameters and constraints; 2) M&E staff have been part of the team that has been going through a learning curve since the pump station started operation in 1998; 3) M&E already has the CADD drawings, calculations, and other data of the existing installation which can be used for this design.

FISCAL IMPACT:

The total funding requested for this Agreement is \$454,218. Funding is available in MWWD Fund 41509, CIP-41-925.0, Fourth Sludge Pump and Other Modifications.

Belock/Schlesinger /JAW

Aud. Cert. 2100128.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116: Villalobos & Associates (V & A) Amendment No. 2 for Concrete Restoration.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-210 Cor. Copy) ADOPTED AS RESOLUTION R-293693

Authorizing the City Manager to execute a second amendment to the Agreement of March 7, 1994, with Villalobos & Associates, for concrete restoration of the Point Loma Wastewater Treatment Plant;

Authorizing the City Auditor and Comptroller to transfer \$750,004 within Fund No. 41508, as follows: \$233,386 from CIP-46-110.0, Point Loma - Scum Removal System; \$354,619 from CIP-46-182.0, Point Loma - Chemical Feed Systems Upgrade; \$58,751 from CIP-46-129.0, Point Loma - Digesters N1/N2 Roofs and Heating Systems; and \$103,248 from CIP-46-185.0, Point Loma - North Shoreline Protection Improvements; all transferred to CIP-46-119.0, Annual Allocation - Point Loma Treatment Plant and Related Facilities, to provide funds for concrete restoration of Sedimentation Basins 9-12, a sublet of this annual allocation;

Authorizing the expenditure of an amount not to exceed \$207,786 to provide funds for the Amendment No. 2, expended as follows: \$26,556 from Fund No. 41508, Dept. No. 771 and \$75,004 from Fund No. 41508, Dept. No. 778, CIP-46-119.0, Annual Allocation - Point Loma Treatment Plant and Related Facilities, for Fiscal Year 2001; \$26,556 from Fund No. 41508, Dept. No. 771 for Fiscal Year 2002, contingent on Council approval of the Fiscal Year 2002 operating budget; \$26,556 from Fund No. 41508, Dept. No. 771 for Fiscal Year 2003, contingent on Council approval of the Fiscal Year 2003 operating budget; \$26,557 from Fund No. 41508, Dept. No. 771 for Fiscal Year 2004, contingent on Council approval of the Fiscal Year 2004 operating budget; and \$26,557 from Fund No. 41508, Dept. No. 771 for Fiscal Year 2005, contingent on Council approval of the Fiscal Year 2005 operating budget.

CITY MANAGER SUPPORTING INFORMATION:

During recent inspections, additional concrete restoration was found necessary to extend the life of the sedimentation basins at the Point Loma Wastewater Treatment Plant (PLWTP).

Authorizations are requested to expend funds and execute contracts for the engineering services and construction needed to complete the work. Authorization is requested to transfer funding in the amount of \$750,004 to CIP-46-119.0, Annual Allocation Point Loma Treatment Plant and Related Facilities, which will be used for engineering and construction and to pay for City in-house costs. With regard to the engineering services needed for this work, Resolution R-283503, adopted on March 7, 1994, authorized the City Manager to execute a design contract with Villalobos & Associates (V&A) for engineering services for concrete restoration of the first eight

sedimentation basins at the PLWTP. Resolution R-286944, adopted on February 20, 1996, authorized the City Manager to execute Amendment No. 1 to the V&A contract for engineering services for concrete restoration of the effluent channel. The project to restore concrete at basins 1 through 8 and the effluent channel has been under construction and is scheduled for completion in the fall of this year. During construction of the project, additional concrete restoration was found necessary to extend the life of sedimentation basins 9 through 12. V&A has performed well for the City. Retaining V&A for the engineering services needed to complete the additional work will allow a utilization of their knowledge of the existing facilities and ensure continuity in the quality of engineering services provided to date. Authorization is requested to execute Amendment No. 2 to V&A's contract for the additional engineering services needed to prepare construction plans and specifications for concrete restoration of basins 9 through 12, provide engineering services during construction of that project, and perform warranty inspections of the restored concrete on basins 1 through 12. The warranty inspections are needed during the first, third and fifth year following completion of the construction. The cost for these additional engineering services will be \$207,786.

FISCAL IMPACT:

Amendment No. 2 will add \$207,786 for a contract total not to exceed \$457,286. FY 2001 funding for design, \$75,004, is available from Fund No. 41508, CIP-46-119.0, Annual Allocation - Point Loma Treatment Plant & Related Facilities; and FY 2001 funding for warranty inspections, \$26,556, is available from Fund No. 41508, Dept. No. 771. Contingent upon City Council approval of the FY 2002 - FY 2005, Dept. No. 771 operating budgets, an additional total of \$106,226 is available for warranty inspections.

Belock/Schlesinger/JAW

Aud. Certs. 2100144 and 2100145.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-nay, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117: Appointments to the San Diego Data Processing Corporation Board of Directors.

(See memorandum from Mayor Golding dated 8/3/2000 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-230) ADOPTED AS RESOLUTION R-293694

Nominating the following persons to serve on the San Diego Data Processing Corporation Board of Directors:

<u>NAME</u>	<u>CATEGORY REPRESENTED</u>	<u>NOMINATED BY</u>
Dr. Gloria C.L. Ma	Data Processing	Mayor Golding
George Greene	General Business	Mayor Golding
Philip L. Thalheimer	Data Processing	Mayor Golding
Alan Ziegaus	General Business	Mayor Golding

Electing Dr. Gloria C. L. Ma after full and complete public discussion and deliberation to the Board of Directors of the San Diego Data Processing Corporation, for a term ending July 1, 2002, to fill the unexpired term of Mike Gross, who has resigned;

Electing George Greene (replacing Mark Nelson, whose term has expired), Philip L. Thalheimer (replacing Douglas E. Gray, whose term has expired), and Alan Ziegaus (reappointment) to the Board of Directors of the San Diego Data Processing Corporation, for terms ending July 1, 2003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-118: Appointments to the Southeastern Economic Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated 8/3/2000 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-231) ADOPTED AS RESOLUTION R-293695

Nominating the following persons for election to the Southeastern Economic Development Corporation Board of Directors for three-year terms ending May 25, 2003:

<u>NOMINEE</u>	<u>NOMINATED BY</u>
Agnes Benson (reappointment)	Mayor Golding
David R. Poole (reappointment)	Mayor Golding
Sharon Whitehurst-Payne	Mayor Golding

Electing Agnes Benson, David Poole and Sharon Whitehurst-Payne (replacing Richard Juarez, whose term has expired) after full and complete public discussion and deliberation, to the Southeastern Economic Development Corporation Board of Directors, for three-year terms ending May 25, 2003.

Waiving the provision of Council Policy 000-13 regarding limitation on the number of terms for David R. Poole.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-209) ADOPTED AS RESOLUTION R-293696

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120: Amendment No. 2 to the Agreement with Woodward Clyde Consultants.

(Greater North Park, Mid-City, Greater Golden Hill, Barrio Logan, Mt. Hope, Chollas View, Emerald Hills, Encanto, S. Encanto, Valencia Park, Lincoln Park, Mountain View, Southcrest Community Areas. Districts-3, 4, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-187) ADOPTED AS RESOLUTION R-293697

Authorizing a second amendment to the agreement with URS Greiner, formerly known as Woodward-Clyde, for professional services for as-needed Storm Water Sampling and Testing;

Authorizing the City Manager to accept funds from the State of California Department of Pesticide Regulation, up to \$89,350 to be deposited in Fund 105085;

Authorizing the appropriation and expenditure of an amount not to exceed \$89,350 from Fund 105085;

Authorizing the Transportation Department Director to approve Agreement No. 99-0249 for the State of California Department of Pesticide Regulation.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the Federal Clean Water Act, the Regional Water Quality Control Board is developing water quality effluent limits for Chollas Creek pollutants otherwise known as TMDLs (Total Maximum Daily Loads). Additional wet weather water quality test data was gathered to assist with TMDL development in February and March 2000. The initial TMDL monitoring program was developed cooperatively between watershed stakeholders, in particular the Regional Board, Caltrans, Port District and the Cities of San Diego, La Mesa, and Lemon Grove. The State of California Department of Pesticide Regulation (DPR) is interested in extending the monitoring for diazinon and chlorpyrifos (pesticides) in the Chollas Creek watershed. Collected data will help serve to better characterize the urban pesticide profile and

aid the development of the diazinon TMDL for Chollas Creek. The interagency agreement with the Department of Pesticide Regulation includes provisions for the State to fund the monitoring.

URS Greiner Woodward Clyde is contracted by the City to provide As Needed Storm Water Sampling and Testing for the 20 Municipal storm water copermittees (Document No. RR-286211, August 7, 1995). This is the fifth year of a 5 year agreement. This Amendment No. 2 includes Chollas Creek sampling from 4 additional locations within the watershed. Their subconsultant is MGD Technologies, Inc. is to install the automated sampling devices and Ogden Environmental to do bioassay work.

FISCAL IMPACT:

The total cost of the Amendment No. 2 is \$89,350. Funds will be made available from Storm Drain Fund 105085. Costs will be reimbursed by the State of California in accordance with the Interagency Agreement.

Belock/Gonzalez/KH

Aud. Cert. 2100096.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: State Park Bond Per Capita and Roberti-Z'Berg-Harris Per Capita Funding.

(See City Manager Report CMR-00-149.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-227) ADOPTED AS RESOLUTION R-293698

Approving the list of projects for funding through the State Park Bond Per Capita and Roberti-Z'Berg-Harris Per Capita funding as set forth in City Manager Report CMR-00-149;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents , including, but not limited to, applications, agreements, amendments, payment requests, which may be necessary to complete the Projects;

Authorizing the City Manager to accept the grant funds for the Projects;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds for each Project when grant funds are secured;

Authorizing the City Auditor and Comptroller to establish separate interest bearing accounts for each Project grant that is secured.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 7/24/2000, RULES voted 4-0 to approve the list of Park Projects for funding through the State Park Bond Per Capita and Roberti-Z'Berg-Harris Per Capita funding. (Councilmembers Mathis, Wear, Warden, and Mayor Golding voted yea. Councilmember Vargas not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT AND TO MAKE THE CORRECTION AS REQUESTED BY COUNCIL MEMBER VARGAS TO DISTRICT 8'S ALLOCATION TO DELETE THE REPLACEMENT OF THE POOL FILTER AT MEMORIAL PARK POOL, AND TO INSERT THE REPLACEMENT OF THE POOL FILTER AND PUMP SYSTEM IN VISTA TERRACE POOL. THE DOLLAR AMOUNT IS EXACTLY THE SAME. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report P00-114; Public Facilities Financing Plan and FBA, Fiscal Year 2001, March 2000 Draft. District-1).

TODAY'S ACTION IS:

Adopt the following resolutions:

Subitem-A: (R-2001-84) ADOPTED AS RESOLUTION R-293699

Approving the document titled "North University City Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2001."

Subitem-B: (R-2001-85) ADOPTED AS RESOLUTION R-293700

Resolution of Intention to designate area of benefit in North University City and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/19/2000, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe, Stevens, Warden and McCarty voted yea.)

FILE LOCATION: SUBITEMS A & B: STRT-FB-1 (33)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Tax Rate Ordinance for Fiscal Year 2001.

(See City Manager Report CMR-00-154.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2001-29) INTRODUCED, ADOPTED AS ORDINANCE O-18838 (New Series)

Introduction and adoption of an Ordinance fixing the tax rates and levying taxes for the Fiscal Year 2000-2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: In the matter of Proposition 215, The Compassionate Use of Marijuana Act of 1996.

(See City Attorney Report dated 8/31/99.)

CITY ATTORNEY'S RECOMMENDATION:

This matter is submitted for discussion only.

SUPPORTING INFORMATION:

In November of 1996, California voters passed Proposition 215, The Compassionate Use of Marijuana Act of 1996. This Act provides an affirmative defense for patients and their caregivers who possess or cultivate marijuana for certain medical uses under the recommendation of a physician. Proposition 215 is now codified as Health and Safety Code Section 11362.5. This Act does not effect Federal Laws governing marijuana.

A patient is a California resident who has a serious illness including but not limited to cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief, who has been examined by a physician who has made a recommendation that the patient use marijuana for relief of the illness. (This definition includes minors.)

A primary caregiver means the individual designated by the person exempted under this Section who has consistently assumed responsibility for the housing, health or safety of that person. (A primary caregiver can also be a patient.)

Bejarano/Devaney/JP

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D003-G200.)

MOTION BY KEHOE TO MOVE THE RECOMMENDATIONS THAT THE ATTORNEY PRESENTED WITH SOME MINOR CHANGES ON NUMBER 4 TO REQUEST THAT THE DISTRICT ATTORNEY CLARIFY PROPOSITION 215 RELATIVE TO STATE AND FEDERAL LAWS IN WRITING SO THAT THE COUNCIL WILL KNOW WHAT THE LOCAL POSITION IS. DIRECT THE SAN DIEGO POLICE DEPARTMENT TO CONTINUE THEIR PARTICIPATION IN THE DISTRICT ATTORNEY'S MEDICAL MARIJUANA WORKING GROUP. REQUEST IN WRITING THAT THE DISTRICT ATTORNEY FORM A WORKING COMMITTEE WHICH WOULD INCLUDE THE DEPARTMENT OF HEALTH, THE DISTRICT ATTORNEY'S OFFICE, THE COUNTY MEDICAL ASSOCIATION, PATIENTS, AND LAW ENFORCEMENT TO DISCUSS LOCAL ISSUES INCLUDING PROVIDING A SYSTEM FOR THOSE PEOPLE WHO ARE UNABLE TO OBTAIN MEDICAL MARIJUANA. AT THE REQUEST OF MAYOR GOLDING, REQUEST THAT THE DISTRICT ATTORNEY PROVIDE INFORMATION ON THE TYPE OF DOCUMENTATION HIS OFFICE WOULD FIND ACCEPTABLE AND HOW WOULD HE FIND IT ACCEPTABLE FOR OTHER JURISDICTIONS TO IDENTIFY THOSE PERSONS WHO ARE ILL AND NEED TO USE MEDICAL MARIJUANA. AT THE REQUEST OF COUNCIL MEMBER McCARTY, CLARIFY EXISTING POLICIES, BUT DO NOT ENCOURAGE THE ILLEGAL USE OF MARIJUANA. AT THE REQUEST OF COUNCIL MEMBER STALLINGS PLEASE REPORT TO COUNCIL AFTER THE LEGISLATIVE RECESS ON THE DISTRICT ATTORNEY'S RESPONSE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Awarding a contract to Logans Marketing for furnishing asphalt concrete.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-133) ADOPTED AS RESOLUTION R-293701

Accepting the low bid and awarding a contract to Logans Marketing (San Diego, CA) for furnishing asphalt concrete, as may be required for a period of one year beginning August 1, 2000 through July 31, 2001, for a total estimated cost of \$1,135,874, including tax, with options to renew the contract for 4 additional one year periods, with price escalations not to exceed 20% of prices in effect at the end of each prior contract year;

Authorizing the expenditure of not to exceed \$1,223,904.24 from Fund No. 50010, Department No. 810, Organization No. 5099, Object Account No. 3231; and Job Order No. 009001;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-Q3354/00)

CITY MANAGER SUPPORTING INFORMATION:

Asphalt Concrete is used by Street Division of the Transportation Department for maintenance of City streets, and by Water Operations Division of the Water Department for repairing portions of City streets excavated for work on water mains and lateral breaks. The Contractor provides all labor, plant equipment, and materials for mixing aggregate and asphalt binder at a central mixing plant. The mixture is then loaded into City trucks or rental trucks at the plant or at a satellite storage facility. In addition, the successful bidder will dispose of the City's demolition asphalt and concrete materials at no additional cost to the City. Three (3) potential bidders were contacted; three (3) bidders responded. It is recommended that the contract be awarded to Logans Marketing, the low bidder. The most recent purchase of asphalt was from Hanson Aggregates for both Sections I and II. The proposed bid prices for Section I, Asphalt are approximately 24.5% above the previous contract price. For Section 11, Cold Mix and Super Cold Mix Asphalt, the proposed bid price is approximately 2.7% above the previous contract price. Vendors justify these significant price increases as being directly related to increased petroleum costs. Per Hanson Aggregates, the cost of asphalt started to increase in November 1999 and today's prices have doubled in price paid for this commodity which was stable for ten (10) years prior to November.

FISCAL IMPACT:

In FY 2001, \$1,223,904.24 will be paid from the Financial Management Department, Central Stores Division's Budget with reimbursement from the Transportation and Water Departments.

Frazier/Baldwin/FM

Aud. Cert. 2100147.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Two actions related to approving the Plans and Specifications and Inviting Bids for the Construction of Ashley Falls Neighborhood Park.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-54) ADOPTED AS RESOLUTION R-293702

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction for the Ashley Falls Neighborhood Park on Work Order No. 296280;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to appropriate \$1,063,617 from Facilities Benefits Assessment Fund No. 79002, fund balance to CIP-29-628.0, Carmel Valley Neighborhood Park - Neighborhood No. 4;

Authorizing the increase of the FY 2001 CIP Budget for CIP-29-628.0, Carmel Valley Neighborhood Park No. 4, by \$63,617 from Facilities Benefits Assessment Fund No. 79002;

Authorizing the expenditure of an amount not to exceed \$2,431,917 from CIP-29-628.0, Carmel Valley Neighborhood Park- Neighborhood No. 4, Facilities Benefit Assessment Fund No. 79002;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to Facilities Benefits Assessment Fund No. 79002. (BID-K01005C)

Subitem-B: (R-2001-55) ADOPTED AS RESOLUTION R-293703

Certifying that the information contained in Addendum to Environmental Impact Report EIR-81-1212, LDR-99-1059, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of Ashley Falls Neighborhood Park.

CITY MANAGER SUPPORTING INFORMATION:

Ashley Falls Neighborhood Park is located on the southwest corner of the intersection of Del Mar Heights Road and Ashley Falls Drive, adjacent to Del Mar Union School District Elementary School, in the Carmel Valley Community Area. This project will improve the remaining 6.1 acre community portion of the 11.6 acre park. The 5.5 acre joint use portion was improved by the Del Mar Union School District under a reimbursement agreement with the City. The proposed improvements include site grading, comfort station with concession stand, tot lots, picnic area, ball fields, security lighting, parking lot, sand volleyball court, concrete walkways, fencing, retaining walls, signage, irrigation system, landscaping, and other park amenities desired by the community.

FISCAL IMPACT:

The estimated total project cost is \$10,025,617 of which \$7,593,700 of expenditures has been previously authorized for property acquisition, joint-use park improvement, and professional services. The unauthorized balance of \$2,431,917 is available as follows: \$1,368,300 in CIP-29-628.0, Carmel Valley Neighborhood Park - Neighborhood No. 4, Carmel Valley Benefits Assessment, Fund No. 79002, and \$1,063,617 from Carmel Valley Benefits Assessment, Fund No. 79002.

Belock/Boekamp/AO

Aud. Cert. 2100030.

FILE LOCATION: CONT - Jacobbson Engr. Constr. Inc.; W.O. 296280

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Approving the Plans and Specifications and Inviting Bids for the Construction of Encanto Park Pipeline.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-56) ADOPTED AS RESOLUTION R-293704

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of the Encanto Park Pipeline on Work Order No. 185421;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,569,484 from Water Fund No. 41500, CIP-70-952, Encanto Park Pipeline, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces to perform work as required in connection with the Encanto Park Pipeline at a cost not to exceed \$130,000 from Water Fund No. 41500;

Stating for the record that the final Addendum to an MND, LDR File 98-1206, dated January 7, 1999, covering the installation of pipeline along 65th Street between Herrick Street and Akins Avenue was adopted March 29, 1999 by Resolution R-291429. (BID-K01004C)

CITY MANAGER SUPPORTING INFORMATION:

The construction of the 3,496 linear feet water pipeline in the Encanto community will enhance water service reliability in the area and provide the pressure needed to meet peak-hour demand. This project will serve as the discharge pipeline of the newly constructed 65th and Herrick pump station, which is currently under construction. This pipeline replacement will begin south of Herrick Street on 65th Street and head north to Broadway. It will continue north on Klauber Avenue to Bittern Street where it then extends to Scimitar Drive.

The project upgrades include: replacement of 1,618 linear feet of existing 12-inch Cast Iron pipe with 24-inch CML&C steel pipe along 65th Street just south of Herrick Street, replacement of 307 linear feet of 12-inch AC pipe with 24-inch CML&C steel pipe along Klauber Avenue between Broadway and Wren Street, replacement of 1,024 linear feet of 8-inch AC pipe with 16-inch PVC pipe along Klauber Avenue between Wren Street and Bittern Street, and replacement of 547 linear feet of 6-inch cast iron pipe with 16-inch PVC pipe along Klauber Avenue between Bittern Street and Scimitar Drive. Of the 3,496 feet of proposed replacement, 62 percent is cast

iron pipe replacement. As a direct link to the northern Encanto service area, this project will provide the necessary pressure required for peak-hour demands.

FISCAL IMPACT:

The total authorized to expend is \$1,569,484, for the construction and other related costs. Funding for this amount is available from Water Fund 41500, CIP-70-952.0, Encanto Park Pipeline.

Loveland/Gardner/ECF

FILE LOCATION: CONT - El Cajon Grading & Engr. Co., Inc.; W.O. 185421

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: Approving the Plans and Specifications and Inviting Bids for the Construction of Carmel Knolls Park.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-57) ADOPTED AS RESOLUTION R-293705

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Carmel Knolls Park on Work Order No. 296270;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the appropriation of an additional \$533,838 from Fund No. 79002, for CIP-29-677.0, and the expenditure of \$1,370,727 from CIP-29-627.0, Carmel Valley Renaissance Parks-Neighborhood No. 1, Facilities Benefits Assessment Fund No. 79002, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01003C)

CITY MANAGER SUPPORTING INFORMATION:

Carmel Knolls Park is located on the northwest corner of the intersection of Carmel Canyon Road and Carmel Knolls Drive, in the Carmel Valley Community area. The improvements in this 5.6 acre, passive use park, include site grading, tot lot, open grass area, parking lot, security lighting, site furnishings, landscaping, and other park amenities as presented and accepted by the community.

FISCAL IMPACT:

The estimated total project cost is \$3,808,838 of which an expenditure of \$2,438,111 has been previously authorized for property acquisition (\$2,323,111) and professional services (\$115,000). The additional expenditure authorization requested of \$1,370,727 is available in CIP-29-627.0, Carmel Valley Renaissance Parks - Neighborhood 1, Carmel Valley Benefits Assessment, Fund No. 79002.

Belock/Boekamp/AO

Aud. Cert. 2100121.

FILE LOCATION: CONT - Sierra Pacific West, Inc.; W.O. 296270

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Advertising for Bids for Telemetry Control Systems - Phase IIb and IIc.
(Contract No. 3).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-53) ADOPTED AS RESOLUTION R-293706

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Telemetry Control Systems - SCADA - Phase IIb and IIc on Work Order No. 185505;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder;

Authorizing the expenditure of not to exceed \$1,260,000 from Water Fund No. 41500, CIP-73-348.0 from Telemetry Control Systems - SCADA - Phase II, for the construction of Telemetry Control Systems - SCADA - Phase IIb and IIc for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K20201C)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is constructing Phase II of a two phase program to install a modern Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will monitor and control all critical water distribution sites. Phase I included the central control and

operations components as well as Remote Control Panels (RCPs) at 42 of the water distribution sites. Due to additional work that has been identified, Phase II has been divided into three (3) parts, Phase IIa, IIb, and IIc. Phase IIa includes the installation of RCPs to control 60 additional water distribution sites. Phase IIb includes remediation work at 36 existing sites, and Phase IIc includes installation of RCPs at 29 large meter sites. This Council action funds the construction of the RCPs for Phase IIb and IIc. In the near future, one additional contract will be advertised for the installation work of the RCPs for IIb.

FISCAL IMPACT:

The total estimated cost of Phase II is \$7,337,000. The estimated cost of this contract is \$1,260,000, of which \$1,260,000 is available in FY 2001 Water Fund No. 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II for this purpose.

Belock/Boekamp/HR

WWF-00-458.

FILE LOCATION: CONT - Centaurus Systems; W.O. 185505

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: Department of Boating and Waterways Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-131) ADOPTED AS RESOLUTION R-293707

Authorizing the City Manager or his duly designated representative to apply to the California Department of Boating and Waterways (CDBW) for \$3,245,000, which includes \$275,000 in City forces, for funding capital improvements at Barrett, El

Capitan, Hodges, Miramar, Lower Otay, San Vincente, Sutherland, and Upper Otay reservoirs;

Authorizing the City Manager or his duly designated representative to take all necessary actions to secure the grants, including but not limited to, negotiating and signing agreements, amendments, and payment requests, from the CDBW for the projects;

Authorizing the City Manager or his duly designated representative to accept, appropriate, and expend the funds if the grants are secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the Department of Boating and Waterways is to serve the needs of California's boating public. One of the ways the Department fulfills this purpose is to aid cities, counties, districts and other agencies in the development, enhancement, or rehabilitation of boat launching facilities to provide convenient and safe boating access to the waters of the state. It does this through its Local Assistance Grant Program. In the past, the City of San Diego has been successful in securing grant funds from the Department of Boating and Waterways to expand boating related improvement projects at reservoirs operated by the City of San Diego Water Department through the San Diego Lakes Program. Currently, eight of the ten reservoirs operated by the City of San Diego may be eligible for grant funding for boating-related capital improvements. The reservoirs to utilize funding, if granted, for replacement and/or expansion are: Barrett, El Capitan, Hodges, Miramar, Lower Otay, San Vincente, Sutherland, and Upper Otay. Some of the reservoir improvements include: the development of launch areas, widening of water ramps, replacement of courtesy docks, installation of picnic areas and walkways (some for the purpose of meeting ADA compliance), replacement of restroom facilities and paving of parking lots. These improvements are intended to benefit boaters and increase utilization of the reservoirs through offering increased access to the waters and improving the areas surrounding the reservoirs.

FISCAL IMPACT:

The amount of grant funding to be applied for is \$3,245,000 which includes \$275,000 in City forces.

Belock/Gardner/CCW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208: Napa Street/Linda Vista Road Modern Roundabout.

(See City Manager CMR-00-164. Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-232) RETURNED TO THE CITY MANAGER

Amending the FY 2001 CIP to modify the scope of CIP-52-430.0, Napa Street - Linda Vista Road to Morena Boulevard, to include incorporation of a modern roundabout at the Napa Street/Linda Vista Road intersection, all subject to the Interim Design and Environmental Review (CEQA) to be funded and conducted as a part of Phase I;

Amending the FY 2001 CIP to modify the title of CIP-52-430.0 from "Napa Street - Linda Vista Road to Morena Boulevard" to "Napa Street/Linda Vista Road Modern Roundabout";

Directing the City Manager to identify possible sources of funding for Phase II of the Napa Street/Linda Vista Road Modern Roundabout project deficit of \$3.8 million;

Authorizing the increased appropriation of \$3.8 million to CIP-52-430.0, Napa Street/Linda Vista Road Modern Roundabout, contingent upon the City Manager obtaining funding for this increase from federal, state or local sources.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209: Burn Ash Site Remediation.

(See City Manager Report CMR-00-165. La Jolla, University City, City Heights, Balboa Park, Chollas Creek, Linda Vista, Fashion Valley, Stockton, Centre City Community Areas. Districts-1, 3, 4, 6, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-215) ADOPTED AS RESOLUTION R-293708

Extending appreciation to the U. S. Environmental Protection Agency for their cooperation in the investigation and remediation of 38th Street Burn Site;

Authorizing the advance and transfer of \$1.5 million from the Landfill Closure Fund No. 41202 to CIP-32-010.0, Annual Allocation - Unclassified Disposal Site Closure Fund No. 41201;

Authorizing the expenditure of \$1.5 million from Refuse Disposal Enterprise Fund No. 41201, CIP-32-010.0, Annual Allocation - Unclassified Disposal Site Closure for burn site assessment, remediation and cost associated with resolving burn ash site issues, provided that the City Auditor's certificate is furnished

demonstrating funds for this expenditure, are or will be, on deposit in the City Treasury;

Declaring that no demolition or construction activities will occur with this action;

Authorizing the City Manager to reorganize the Environmental Services Department to create an Environmental Protection Division to enhance focus on burn site remediation and hazardous materials management issues, and add one Deputy Director Position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-210: Support for Tax Exempt Financing for the Institute for Effective Education.

(Mission Valley Community Area. Districts-3 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution supporting issuance by the California Statewide Communities Development Authority Joint Powers Agency of up to \$3,700,000 of tax-exempt financing for the Institute for Effective Education:

(R-2001-183) ADOPTED AS RESOLUTION R-293709

Approving the installment purchase financing and the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed \$3,700,000, to finance the acquisition, construction, improvement and equipping of educational facilities at 2255/2299 Camino del Rio South, and 4055 Camino del Rio South, for the purposes of (a) Section 147 (f) of the Internal Revenue Code of 1986 and (b) Section 9 of the Joint Exercise of Powers Agreement;

Authorizing the officers of the City to do any and all things and to execute and deliver any and all documents, certificates, and other instruments which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby, and that any actions heretofore taken by such officers are hereby ratified and approved;

Declaring that the Certificates of Participation will be paid entirely from repayments by the Institute for Effective Education, and that neither the full faith and credit nor the taxing power, if any, of the City, California Statewide Communities Development Authority (CSCDA) and its members, the State of California, or any other political corporation, subdivision or agency of the State is pledged to the payment of the principal premium, if any, or interest with respect to the Certificates, nor shall the City, CSCDA and its members, the State, or any other political corporation, subdivision or agency of the State be liable or obligated to pay the principal of, premium, if any, or interest with respect to the Certificates.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to hold a Tax Equity Fiscal Responsibility Act (TEFRA) hearing and adopt a resolution supporting issuance of tax-exempt certificates of participation by the California Statewide Communities Development Authority Joint Powers Agency ("CSCDA") on behalf of The Institute of Effective Education ("TIEE"). CSCDA has previously issued tax-exempt bonds for capital expansion projects for other San Diego non-profit organizations such as: the Salk Institute, San Diego State University Foundation, the Institute for Defense Analyses and the Reuben H. Fleet Space Theater and Science Center.

TIEE is a private 501 (c) (3) nonprofit California corporation founded in 1972 to provide special education and other services to individuals with unique learning needs. It primarily operates special education programs under contract with 20 public school districts in San Diego County, along with certain other State-certified education programs. TIEE's proposed tax-exempt financing will finance acquisition of land and buildings located at 2255/2299 Camino del Rio South and renovation of an existing facility at 4055 Camino del Rio South. The resultant expansion of TIEE's operations would reduce the current waiting list among special needs students currently enrolled in these programs. TIEE's special education component currently serves approximately 160 students with unique learning needs. 75 of these qualify for federally subsidized entitlements. TIEE's employment is also projected to increase from its current level of 134, with approximately 15 new jobs estimated to be created within two years. With adoption

of a City Council resolution supporting this financing by CSCDA, TIEE will gain access to low-cost tax-exempt financing at no cost or risk to the City, thus facilitating provision of the much-needed special education services to the community and creating approximately 15 new jobs.

FISCAL IMPACT:

Based on the proposed financing amount of \$3.7 million, origination fees totaling \$9,250 would be paid into the City's IDB Administrative Expense Fund (10240.)

Loveland/Cunningham/JAG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

Hearing began at 11:14 a.m. and halted at 11:33 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-211: One-Year Extension of Project Area Committee.

(See memorandum from Centre City Development Corporation dated 7/18/2000. Centre City Redevelopment Project. Districts-2, 3, & 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-213) ADOPTED AS RESOLUTION R-293710

Authorizing the extension of the Centre City Project Area Committee for one year from October 2000 to October 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-212: Third Amendment to the Transit Shelter and Bus Bench Memorandum of Understanding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-34) ADOPTED AS RESOLUTION R-293711

Authorizing a third amendment to the Memorandum of Understanding with the San Diego Metropolitan Transit Development Board (MTDB) to authorize private entities to install transit shelters, benches and appurtenances in the City's right-of-way and to incorporate the City's advertising policy for advertising within the City's right-of-way.

CITY MANAGER SUPPORTING INFORMATION:

The original Memorandum of Understanding (MOU) and its First and Second amendments provided MTDB exclusive authority to install transit shelters, benches and appurtenances in public right-of-way in the City for a period of fifteen (15) years. The purpose of this amendment is to provide the terms and conditions upon which the City may authorize others to install transit shelters, benches and appurtenances within the City's right-of-way and to incorporate the City's advertising policy, for advertising within the City's right-of-way. MTDB's agreement to allow the City to authorize others to place transit shelters, benches and appurtenances in the public right-of-way is conditioned upon those shelters and appurtenances being placed in locations where the City and MTDB may approve from time to time.

Private entities authorized to install transit shelters and appurtenances pursuant to this amendment will be required to provide the design, construction, and maintenance for the shelter.

Installation will be permitted through the City's right-of-way permit process. Advertising on shelters shall be solely for the purpose of announcing events of noncommercial nature taking place at an adjacent public facility owned or operated by the private entity authorized to install the shelter or bench, and shall not be used for posting schedules of public meetings at the facility. Advertising space shall not be leased to any third party. Acknowledgment of sponsorship shall be permitted, and if desired, it shall be displayed in such a way as to not be visible and legible from passing automobiles. Advertising display panels shall be configured in such a way similar to MTDB's shelters. Advertising display panels shall have the same size as those used in MTDB's shelters, and one advertising panel shall be reserved for MTDB's use for the purpose of posting transit information.

All advertising posted on bus shelters and benches must conform to the criteria set forth in City Attorney Opinion 99-3.

FISCAL IMPACT:

None with this action.

Loveland/Haase/GH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT THIS ITEM WITH DIRECTION TO THE CITY MANAGER TO DEVELOP A CITY POLICY ON THE REMOVAL OF BUS STOPS. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-213: First Amendment to Agreement with John Powell & Associates for Water Resources Planning Services.

(Districts-1, 2, 4, 5 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-163) ADOPTED AS RESOLUTION R-293712

Authorizing the City Manager to execute a First Amendment to the Water Resources Planning Agreement with John Powell and Associates, Inc. for expanded scope of work for the Otay Water Treatment Plant and to investigate additional beneficial reuse issues;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,030,375 from Water Revenue Fund 41500;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The John Powell & Associates Inc., (Powell) original scope of work in this As-needed Water Resources Planning contract included studies of the Otay Water Treatment Plant. This consisted of investigating treatment plant expansion issues, determining clearwell storage options, and investigation and recommendations for future water quality enhancement upgrades. The Otay Water Treatment Plant (WTP) producing up to 40 million gallons of drinking water per day is located adjacent to Otay Reservoir. The area served by Otay WTP is one of three major water service areas within the City of San Diego, serving the southern portion of the City including Otay Mesa (Otay Water District), South San Diego, San Ysidro, Paradise Hills, Imperial Beach and Coronado (Cal-American). The last major upgrade to the treatment plant was in 1989. Since that time changes in state and federal water quality regulations and improvements necessary to the overall system efficiency, reliability and safety need to be designed and implemented. The Otay WTP upgrade project is designed to ensure all new state and federal water quality regulations are met and that safe and reliable water is delivered to all customers in a timely and cost-effective manner.

As an outgrowth of the preliminary initial investigation for changes and improvements necessary at Otay WTP it was determined that more detailed work was necessary. The expanded scope of work for the Otay WTP includes, but is not limited to, the following: 1) defining the scope of work for the design consultant that includes plant hydraulics, operational procedures and

infrastructure evaluations; 2) providing a set of bid documents for the design of the new onsite clearwell storage reservoirs; 3) assisting in the procurement of membrane filtration equipment; and, 4) providing technical support to the City to facilitate regulatory approval and compliance with the Federal Safe Drinking Water Act. In addition to the work done on Otay, Powell has been tasked to investigate additional Beneficial Reuse issues, including identifying all facilities necessary to supply the reclaimed water available from the North City Water Reclamation Plant to new communities in the northern portion of the City and preparing a preliminary design for the extension of the reclaimed water pipeline to the north.

FISCAL IMPACT:

The original contract amount was \$569,000. This First Amendment will add another \$1,030,375 for a new not to exceed total of \$1,599,375 which is available from Water Fund 41500.

Belock/Gardner/GJA

Aud. Cert. 2100140.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-214: Parcel Map and Street Vacation - Sixth Avenue South of L Street (Westin Hotel Project).

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-252) ADOPTED AS RESOLUTION R-293713

Approving Parcel Map W.O. 032000, I.D. 99-385;

Vacating a portion of Sixth Street as shown on the Parcel Map, pursuant to
Section 66445(j) of the Subdivision Map Act.

CITY MANAGER SUPPORTING INFORMATION:

The Redevelopment Agency of the City of San Diego and JMIR- San Diego Harbor Hotel Company, LLC are cooperating to develop a mixed-use hotel project, known as the Westin Hotel project, in the Centre City Community Area. The Redevelopment Agency currently has possession of the properties within the block in the vicinity of Sixth Avenue and L Street and is seeking to transfer title to these properties to JMIR. JMIR intends to construct a 512 room hotel along with 37 residential units as part of the Ball Park Development. The Westin Hotel development will include an enhanced street entrance on Sixth Avenue to the hotel and linear park improvements. The Parcel Map was prepared to consolidate the existing lots and to vacate a portion of Sixth Avenue to facilitate transfer of ownership and the development of the site. The current location of the Sixth Avenue right-of-way precludes the construction of the planned hotel and improvements needed for the project. See Exhibit "B" labeled "Proposed Vacation Area" to view the proposed area of the street vacation. Additional street will be dedicated by separate instrument after transfer of title to facilitate the construction of a turn-around at the end of the remaining public street. Sixth Avenue north of L Street will be realigned to accommodate traffic concerns. See Exhibit "C" labeled "Proposed Intersection Alignment."

FINDINGS: Staff review has indicated that the four required findings for a street vacation can be made and recommends approval of the Parcel Map and street vacation.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.

Loveland/Halbert/LH

FILE LOCATION: STRT-J-2913 (39)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-ineligible, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Bryn Glen.

Matter of an application to Rezone from A-1-10 to R-1 5000 and Open Space, Planned Residential Permit/Resource Protection Ordinance Permit, Tentative Subdivision Map, MHPA boundary adjustment, for the development of 65 residential lots/dwelling units, with 12 multiple family units (affordable), 6 open space lots, and the vacation of that portion of Black Mountain Road traversing the property located on the west side of the extension of Camino Ruiz, approximately 1300 feet south of Carmel Valley Road in the Torrey Highlands Community Plan area.

(RZ/TM/PRD/RPO/SV-96-7676. Torrey Highlands Community area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem C to grant the permits; adopt the resolution in subitem D to grant the map and approve the street vacation; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-225)

ADOPTED AS RESOLUTION R-293714

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7676 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and State Guidelines thereto, (California Code of Regulations Section 15000 et seq.), that said MND reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council prior to approving the project; that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study; and adopting the Mitigation Monitoring and

Reporting program or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2001-42 Cor. Copy) INTRODUCED, TO BE ADOPTED
SEPTEMBER 12, 2000

Introduction of an Ordinance rezoning a 37.3 acre site from A1-10 to R1-5000 and Open Space for property located within the Torrey Highlands Community Plan Area.

Subitem-C: (R-2001-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-293715

Adoption of a Resolution granting or denying the Planned Residential Development/Resource Protection Ordinance permit, with appropriate findings to support Council action.

Subitem-D: (R-2001-) GRANTED MAP, ADOPTED AS
RESOLUTION R-293716

Adoption of a Resolution granting or denying a Tentative Subdivision Map for 70 lots (65 single-family, 5 open space) TM-96-7676 and pursuant to California Government Code section 66499.20½, portions of Black Mountain Road shall be vacated, contingent upon the recordation of the approved final map for the project.

OTHER RECOMMENDATIONS:

Planning Commission voted 6 - 0 to recommend approval with conditions; no opposition.

Ayes: Butler, Skorepa, Stryker, White, Brown, Anderson
Not present: Steele

There is no officially recognized community planning group for this area.

The Rancho Peñasquitos Planning Board has voted in favor of this project.

SUPPORTING INFORMATION:

The proposed application package would allow for the construction of a sixty five (65) unit single family development with five (5) open space lots on a 37.3 acre site located in the Torrey Highlands Community Plan. The 37.3 acre site is located in the northeastern portion of the Community Plan on the west side of the extension of Camino Ruiz, south of Carmel Valley Road. Four other single family developments have recently been approved in the area of the Community Plan. Access to the site will be from the extension of Camino Ruiz. The proposed street vacation is for that portion of Black Mountain Road that traverses the site. The City has no ownership interest in these streets. The recently completed extension of Carmel Valley Road will replace this portion of Black Mountain Road.

As part of the adoption of the Torrey Highlands Subarea IV Plan, a comprehensive Environmental Impact Report was prepared and certified. Site specific environmental studies concluded that with the adoption of the Mitigation Monitoring and Reporting Program, all identified potential environmental impacts resulting from the project could be mitigated.

There is no official planning group for the Torrey Highlands Plan area. However, the project has been reviewed and recommended for approval by the adjacent Rancho Peñasquitos Planning Board. The project was heard by the Planning Commission on July 20, 2000. The Planning

Commission recommended approval of the project by a vote of 6-0-0 (Steele absent). There was no opposition present at the Planning Commission public hearing.

The City Manager therefore recommends certification of the Mitigated Negative Declaration (MND) and APPROVAL of Rezone from A1-10 to R1-5000 and Open Space, TM, PRD, RPO and Street Vacation for the Garden Communities 65 unit residential development.

FISCAL IMPACT:

None. All costs associated with this project are recovered from a deposit provided by the applicant.

Loveland/Haase/RG

LEGAL DESCRIPTION:

The project site is more particularly described as being located directly along the west edge of the future Camino Ruiz, between Black Mountain Road and the future State Route 56 Freeway, in the Torrey Highlands Subarea (Subarea IV) of the Future Urbanizing Area (Parcels 1 and 2, Map No. 6902).

FILE LOCATION: SUBITEMS A, C, & D: PERM-96-7676 (65)
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A502-B165.)

Hearing began and 11:14 a.m. and halted at 11:33 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Four actions related to Del Mar Mesa Road/Shaw Ridge Road - Mesa Verde Estates Project.

(See City Manager Report CMR-00-163. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-233) ADOPTED AS RESOLUTION R-293730

Authorizing the City Manager to execute a Subdivision Offsite Right-of-Way Acquisition Agreement for Construction of Public Street Improvements for Del Mar Mesa Road, Mesa Verde Estates Vesting Tentative Map No. 96-0625, with Mesa Verde-Del Mar for public street improvements.

Subitem-B: (R-2001-234) ADOPTED AS RESOLUTION R-293731

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of Fee Simple Title and Slope Easements to the property described herein for the construction, improvement, operation and maintenance, and incidents thereto, of the Del Mar Mesa Road/Shaw Ridge Road Project; that the property is located south of State Route 56, east of Carmel Country Road and north of Shaw Ridge Road, in the Carmel Valley Community, within the City of San Diego, County of San Diego, State of California; that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property sought to be acquired is necessary for the project; that acquisition by eminent domain is authorized by law; and declaring that the offer to purchase the property required by Government Code Section 7267.2 has been made to the owners of record and rejected; and declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an eminent domain action in the Superior Court of the State of California, in the County of San Diego, to condemn, acquire and obtain immediate possession of the property for the use of the City.

NOTE: 6 votes required for Subitem B.

Subitem-C: (R-2001-235) ADOPTED AS RESOLUTION R-293732

Approving the expenditure of an amount not to exceed \$344,000 from Developer's Trust Fund No. 63020, Organization 100, Object Account 4698, Job Order 980092, for the Del Mar Mesa Road/Shaw Ridge Road (Mesa Verde Estates) Project, for the acquisition of the required property rights, condemnation labor, title, escrow, contingencies and miscellaneous costs, upon certification by the City Auditor and Comptroller of funds being available.

Subitem-D: (R-2001-236) ADOPTED AS RESOLUTION R-293733

Stating for the record that the findings to a Master Environmental Impact Report No. 95-0353 and LDR No. 99-0099 have been reviewed and considered prior to approving the project and it is determined that no substantial changes or new

information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Del Mar Mesa Road/Shaw Ridge Road Project.

Aud. Cert. 2100150.

FILE LOCATION: SUBITEMS A, B, C, & D: MEET

COUNCIL ACTION: (Tape location: G218-380.)

Hearing began at 4:28 p.m. and halted at 4:40 p.m.

Testimony in opposition by Gary Sawade.

Testimony in favor by Remington Jackson and Paul Metcalf.

MOTION BY KEHOE TO ADOPT. Second by Stallings. Passed by the following vote:
Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea,
District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Approval of a Second Amended Public Use Lease between Pacific Development Partners and the City of San Diego.

(See SEDC Report 00-025. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Introduce the following ordinance:

(O-2001-43) INTRODUCED, TO BE ADOPTED SEPTEMBER 12, 2000

Introduction of an Ordinance authorizing the City Manager to execute a Second Amended Public Use Lease Agreement with Pacific Development Partners, LLC, for a Park and Ride facility that will be developed as part of the Imperial Marketplace Development located in the Central Imperial Redevelopment Project Area.

NOTE: Six votes required pursuant to Section 99 of the City Charter.

NOTE: See the Redevelopment Agency Agenda of August 15, 2000 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: City Heights Redevelopment Plan Amendment.

(Mid-City - City Heights, Normal Heights, and Kensington - Talmadge Community Areas. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-226) ADOPTED AS RESOLUTION R-293717

Consenting to a Joint Public Hearing on the proposed Second Amendment to the Redevelopment Plan for the City Heights Redevelopment Project; authorizing the establishment of a date, time and place therefor, and authorizing publication and mailing of Notice of the Joint Public Hearing.

NOTE: See the Redevelopment Agency Agenda of August 15, 2000 for a companion item.

CITY MANAGER SUPPORTING INFORMATION:

A second amendment to the City Heights Redevelopment Plan is proposed. The original Redevelopment Plan was approved by Council Ordinance in 1992. The First Amendment to the Redevelopment Plan was approved by Council Ordinance in 1996. This First Amendment to the Plan modified the Land Use map and areas of eminent domain authorization to enable the implementation of the ten block City Heights Urban Village Project. The First Amendment also

reduced the boundaries of the Redevelopment Project Area to remove parcels whose assessed value had been significantly reduced and to remove parcels from the Isle-n-Air neighborhood in response to a community request. The currently proposed Second Amendment would modify the Redevelopment Plan Land Use map to bring it into conformance with the current Mid-City Communities Plan. When the Mid-City Communities Plan was amended by Council Action in November, 1998, its modified Land Use map was no longer consistent with the Land Use map in the Redevelopment Plan. The proposed Second Amendment would also modify the eminent domain authority within the Project Area. Specifically, unrestricted authorization for eminent domain authority would be removed from a number of residential areas and would be added to several commercially zoned areas. This change would enable implementation of the Redevelopment Project in accordance with the goals and objectives of both the Redevelopment Plan and the Community Plan. The currently proposed action is a preliminary step prior to Council and Redevelopment Agency consideration of the proposed Redevelopment Plan Amendment. If approved, the City Clerk would set the time, date and place for a Joint Public Hearing for consideration of the amendment. A detailed report on the proposed amendment will be provided for the Council's consideration at that time.

Loveland/Cunningham/JJL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Third Amendment to the Central Imperial Redevelopment Project Area.

(See SEDC Report 00-021. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2001-228) ADOPTED AS RESOLUTION R-293718

Consenting to a joint public hearing on the proposed third amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project;

Authorizing the establishment of the date, time and place for a hearing;

Authorizing publication and mailing of notice of the joint public hearing;

Accepting and receiving the Mitigated Negative Declaration to the Third Amendment to the Redevelopment Plan for the project.

NOTE: See the Redevelopment Agency Agenda of August 15, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-350:

SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2000 election:

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<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/26/00	165	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Monday	6/5/00	155	Rules Committee review
Tuesday	6/13/00	147	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	6/19/00	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/26/00	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/24/00	106	
Monday	7/31/00	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/00	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/00	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at 533-6476.

ITEM-351: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

The Bougainvillea

COMMUNITY AREA

Carmel Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Proclaiming August 14, 2000 to be "Don Steele Day" in the City of San Diego.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-249) ADOPTED AS RESOLUTION R-293719

Commending Don Steele for his dedication to the citizens of San Diego and our valuable open space parks;

Proclaiming August 14, 2000 to be "Don Steele Day" in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A385-405.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401: Proclaiming August 15, 2000 to be “Lincoln Ward Day” in the City of San Diego.

MAYOR GOLDINGS RECOMMENDATION:

Adopt the following resolution:

(R-2001-271) ADOPTED AS RESOLUTION R-293720

Proclaiming August 15, 2000 to be “Lincoln Ward Day” in the City of San Diego and commending Lincoln Ward for his dedication and commitment to reducing costs and improving the services the City of San Diego delivers to its citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A406-470.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote:
Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea,
District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S402: Nonprofit Management Solutions Day.

MAYOR GOLDINGS RECOMMENDATION:

Adopt the following resolution:

(R-2001-270) ADOPTED AS RESOLUTION R-293721

Proclaiming August 15, 2000, to be “Nonprofit Management Solutions Day” in San Diego, in recognition of the important service Nonprofit Management Solutions continues to provide to San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*ITEM-S403: Two actions related to Sunroad Otay Park Unit 1 Final Map, Subdivision Improvement Agreement.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-267) ADOPTED AS RESOLUTION R-293722

Authorizing the execution of a Subdivision Improvement Agreement with Sunroad Otay Partners, L.P., for the installation and completion of certain public improvements.

Subitem-B: (R-2001-266) ADOPTED AS RESOLUTION R-293723

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 77.245 acre site into 33 lots and lot "A" for industrial development. It is located southwesterly of Otay Mesa Road and Piper Ranch Road in the Otay Mesa Community Plan area. On May 18, 1992 the Subdivision Board of the City of San Diego approved Subdivision Board Resolution No. 5639 for Sunroad Otay Park 1 Subdivision. The public improvements required for this subdivision are shown in Detail on Drawing No. 29251-1-D through 29251-77-D, filed in the Office of the City Clerk under Micro Number 140.41. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$5,392,036.00 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$25,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

The community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. In order to satisfy Condition 22 of Subdivision Board Resolution No. 5639, subdivider has made a cash contribution in the amount of \$167,187.50 towards the cost of traffic signal systems at Otay Mesa Road and Avenida Costa Azul, Otay Mesa Road and Piper Ranch Road, Piper Ranch Road and Saint Andrews Avenue, Piper Ranch Road and Airway Road, and Airway Road and Avenida Costa Azul. In addition, subdivider has agreed to install the signal at the intersection of Otay Mesa Road and Piper Ranch Road should Sunroad proceed with that portion of the intersection prior to the development of the adjacent property to the east.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBITEMS A & B: SUBD-Sunroad Otay Park Unit #1
(40)

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S404: "6 to 6" Program Contract Agreements.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution. City Council has authorized the funding for the "6 to 6" Program. Today's action is to approve provider contracts.

(R-2001-272) ADOPTED AS RESOLUTION R-293734

Authorizing the City Auditor and Comptroller to appropriate and expend General Funds and State and Federal grants previously accepted by Council in an amount

not to exceed \$15,275,864 for the "6 to 6" Program, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to negotiate and enter into agreements with contractors to operate "6 to 6" Programs, not to exceed \$15,275,864;

Authorizing the City Manager to negotiate and enter into MOU's with eight school districts to facilitate the operation of "6 to 6" Programs within the City;

Authorizing the City Manager to accept, and authorizing the City Auditor and Comptroller to appropriate and expend grant funds from the State and Federal Departments of Education in FY 2001-FY 2003, in a combined amount not to exceed \$9.5 million per fiscal year, provided that an Auditor's Certificate or Auditor's Certificates are issued demonstrating that funds for such obligations are, or will be, deposited in the City Treasury;

Authorizing the City Manager to accept, and authorizing the Auditor and Comptroller to appropriate and expend \$735,000 in State surplus funding for FY 2001, provided that such funds are allocated to the City by the State.

CITY MANAGER SUPPORTING INFORMATION:

The City Council has previously authorized the acceptance and expenditure of \$15,275,864 through several resolutions. Resolution No. 292048, on August 2, 1999, authorized the acceptance and expenditure of \$5,360,000 (\$2,560,000 in General Fund 100, and \$2,800,000 in State "After School Learning and Safe Neighborhoods Partnerships Program" [ASLSNPP] funds. Resolution No. 293061, on May 1, 2000, authorized the acceptance and expenditure of \$2,491,838 in ASLSNPP expansion funds. Resolution No. 293602, on July 31, 2000, authorized the acceptance and expenditure of \$3,954,026 (\$3,204,026 in new ASLSNPP funds and \$750,000 in Federal "21 st Century Community Learning Center Program" funds). The City Council also authorized the allocation of \$2 million in Tobacco Settlement funds to "6 to 6" for FY01 through Resolution No. 291262. On June 22, 2000, City Council allocated an additional \$1.47 million in State Relief funds for the "6 to 6" Program, and on July 25, Council authorized half of that amount, \$735,000, to be immediately appropriated for "6 to 6" through Ordinance #0-18827, with the balance to be appropriated as it is received from the State.

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The following 15 contracts (totaling \$12,350,778) will be funded with this action:

Harmonium	\$4,240,199	St. Jude	\$ 75,000
YMCA	\$3,952,170	San Diego Reads	\$151,263
SAY	\$3,066,366	SDYCS	\$ 74,955
Bayview Baptist	\$ 71,250	Sherman Heights CC	\$ 98,325
CCS	\$ 100,000	Sudanese Project	\$ 75,000
New Hope	\$ 75,000	UPAC	\$ 75,000
Our Lady's	\$ 150,000	YWCA	\$ 71,250
Sacred Heart	\$ 75,000		

The following 6 contracts/MOU's are pending approval by school districts:

Harmonium	\$ 714,285	South Bay Unified	\$195,000
San Diego Unified	\$ 735,876	Del Mar Union	\$ 20,000
Poway Unified	\$ 130,000	Solana Beach Union	\$ 10,000

Total Executed Contracts:	\$12,350,778
Total Pending Contracts:	1,805,161
Admin/Operating Costs:	1,119,925
TOTAL EXPENDITURES:	\$15,275,864

FISCAL IMPACT:

The "6 to 6" Program's FY01 expenditures will total \$15,275,864 with revenues from the following sources:

\$4,030,000 City General Fund 100
\$8,495,864 State ASLSNPP Funds
\$2,000,000 Tobacco Settlement Funds
\$ 750,000 Federal 21st Century Community Learning Center

****If the \$735,000 in State Relief Funds are not available the City will have no obligation to continue funding the contingent schools as identified in the contracts.**

Loveland/Cunningham/DKF

Aud. Cert. 2100190.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G387-440.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

*ITEM-S405: Resolution to Support Electric Rate Rollback Legislation - AB 2290, Authored by Davis-Alpert.

MAYOR GOLDINGS RECOMMENDATION:

Adopt the following resolution:

(R-2001-273) ADOPTED AS RESOLUTION R-293724

Declaring that the Council supports AB 2290 and urges the California State Assembly to adopt this measure, which is of critical concern to the citizens of San Diego;

Requesting California Governor Gray Davis to indicate his support for AB 2290 and urging the Governor to sign AB 2290 when it is adopted by the Legislature.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A502-B165.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

CLOSED SESSION ITEMS:

ITEM-CS-1: (R-2001-264) ADOPTED AS RESOLUTION R-293665

A Resolution adopted by the City Council in Closed Session on August 15, 2000:

Authorizing the City Manager to negotiate and execute Change Order No. 19 with Nielsen Dillingham Builders, Inc. in an amount not to exceed \$615,000 for settlement of all delay claims in connection with the Point Loma - Power Generation and Distribution Upgrade contract.

Aud. Cert.2100180, 2100181

FILE LOCATION: MEET

ITEM-CS-2: (R-2001-277 (Cor.Copy)) ADOPTED AS RESOLUTION R-293666

A Resolution adopted by the City Council in Closed Session on August 15, 2000:

Authorizing the City Attorney to execute an agreement with CH2MHill, Inc., in an amount not to exceed \$1.42 million for professional services as needed related to negotiations and litigation support on various real property and groundwater development matters.

Authorizing the City Attorney to execute an agreement with Hatch & Parent in an amount not to exceed \$500,000 for legal services as needed related to negotiations and litigation support on various real property and groundwater development.

Aud. Cert.2100191, 2100192

FILE LOCATION: MEET

ITEM-CS-3: (R-2001-781) ADOPTED AS RESOLUTION R-294084

A Resolution adopted by the City Council in Closed Session on August 15, 2000:

Authorizing the expenditure of an amount not to exceed \$700,000 from Fund No. 41509, Operations & Maintenance Fiscal Year 2001 Budget solely and exclusively to provide funds to retain consultants for the evaluation of construction claims and litigation support for the Metropolitan Wastewater Department, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury.

Aud. Cert.2100527

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:44 p.m. in memory of Peter Fritz at the request of Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G441-446.)